



COMPETITION COMMISSION OF INDIA

Case No. 29 of 2024

In Re:

Moses Pinto

.....Informant

H. No. 908 Lane 2, Vidhyanagar

Margao, South Goa

Goa – 403 601.

And

Victor Hospital

..... Opposite Party

Old Station Rd.

Near Carmelite Monastery,

Malbhat, Margao

Goa – 403 601.

CORAM:

Ms. Ravneet Kaur

Chairperson

Ms. Sweta Kakkad

Member

Mr. Deepak Anurag

Member

Order under Section 26(2) of the Competition Act, 2002

1. The present Information has been filed by Moses Pinto (**‘Informant’**) under Section 19(1)(a) of the Competition Act, 2002 (**‘Act’**), against Victor Hospital (**‘Opposite Party’/‘OP’**) *inter alia* alleging contravention of the provisions of Sections 3 and 4 of the Act.



2. The Informant has submitted that on 01.08.2023 he was admitted to OP's hospital for the symptoms indicative of acute appendicitis under the care of Dr. Rajesh S. Javherani. It was decided that the Informant will have to undergo a Laparoscopic Appendectomy, which was subsequently performed by Dr. P. Ravi Teja. It is stated in the Information that following the surgery, the Informant experienced severe complications, including persistent abdominal pain and signs of infection, ultimately leading to the development of an enterocutaneous fistula – a connection between the small intestine and the abdominal wall.
3. It is further submitted by the Informant that he was referred to BLK-MAX hospital in New Delhi for treatment. It is stated that on 01.09.2023, the Informant underwent a second corrective surgery during which it was discovered that a portion of the appendix and a fecalith had been left behind during the initial operation at OP's hospital. This necessitated the resection of approximately 10 cm of Informant's small intestine to rectify the damage caused by the first surgery. It is stated in the Information that the medical errors and omissions by Dr. P. Ravi Teja resulted in both physical suffering and financial hardship.
4. It is further submitted that subsequently, the Informant filed a complaint with the Goa Medical Council regarding the negligence. Informant has stated that during the disciplinary inquiry proceedings, it came to light that Dr. Ravi Teja did not possess a valid registration with the Goa Medical Council at the time of performing the surgery on 01.08.2023, which was in contravention of the National Medical Commission Act, 2019. It is alleged that despite this, OP continued to allow Dr. Ravi Teja to practice and perform surgeries without informing patients of his lack of proper credentials.
5. It is further stated by the Informant that the Judgment and Order issued by the Goa Medical Council on 19.07.2024 acknowledged that Dr. Ravi Teja had practiced without valid registration for over 10 months. It is further stated that the Council imposed a penalty of Rs. 10,000 on Dr. Ravi Teja, reprimanding him for his actions but failing to address the broader implications of allowing an unregistered practitioner to provide critical healthcare services.



6. It is submitted by the Informant that the continued public promotion of Dr. Ravi Teja as a qualified "Consultant Surgeon", despite his lack of proper credentials, was a deliberate attempt to mislead patients and secure a competitive position in the healthcare market by unfair means. This misrepresentation undermined consumer choice and prevented patients from making informed decisions about their healthcare and distorted consumer choice, thereby affecting market dynamics. Further, it is stated that the aforesaid conduct of the OP further enhanced its ability to gain a competitive advantage effectively excluding more ethical and compliant providers from competing on equal terms. This created a market imbalance that could dissuade other healthcare institutions from maintaining high standards of regulatory compliance, ultimately compromising overall healthcare quality in the region.
7. It is further submitted that OP's actions have an anti-competitive impact on the healthcare market in Margao, South Goa, violating both Sections 3 and 4 of the Act.
8. In terms of Section 3 of the Act, the Informant has alleged that OP engaged in behaviour that significantly restricted competition. Informant has submitted that other healthcare providers that complied with regulatory requirements incurred higher costs for employing registered, qualified practitioners and ensuring compliance with industry standards. OP, by circumventing these requirements, could offer medical services that appeared equivalent with potentially lower operational costs. This unfairly skewed the playing field, allowing OP to draw patients away from compliant competitors by advertising services that were not accurately represented.
9. Informant has further alleged that OP abused its dominant position by leveraging its dominant market presence to mislead patients into believing they were receiving care from a qualified and registered surgeon, knowing that its established reputation would shield it from immediate suspicion regarding the credentials of its staff. This deceptive practice undermined the principle of consumer choice as the patients chose OP based on misleading representations regarding the qualifications of the medical staff, thereby affecting their ability to make informed decisions. This conduct distorted the healthcare market by creating an environment where compliance was not uniformly enforced,



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pressuring other healthcare providers either to adopt similar unethical practices to compete or risk losing patients.

10. It is further submitted that by allowing an unregistered practitioner to perform surgeries and failing to disclose this to patients, OP directly compromised patient safety, eroded consumer trust, and reduced transparency within the market. These actions constitute a violation of consumer rights, as patients were not provided with accurate information to make informed healthcare decisions. This erosion of trust further undermined competition, as it created negative perceptions about the reliability of healthcare services in the region, thereby affecting the competitive landscape beyond just the OP.
11. The Informant has sought the following relief from the Commission:
  - (a) Direct OP to immediately cease promoting or employing Dr. P. Ravi Teja as a consultant surgeon.
  - (b) Impose penalties on OP for engaging in misleading and anti-competitive practices.
  - (c) Ensure that OP complies with all regulatory requirements for hiring qualified and registered medical practitioners.
12. The Informant has also sought interim relief, under Section 33 of the Act, from the Commission to issue a temporary restraining order against OP, prohibiting it from employing or promoting unregistered medical professionals, including Dr. P. Ravi Teja, until the conclusion of the inquiry.
13. The Commission considered the matter in its ordinary meeting held on 22.01.2025 and decided to pass an appropriate order in due course.
14. Upon perusal of the Information, it appears that the Informant is *inter alia* aggrieved by the healthcare services provided by the OP. It is alleged by the Informant that the act of OP employing Dr. Ravi Teja, who lacked proper registration and presenting him as a qualified Consultant Surgeon is in violation of Section 4 of the Act as it is misleading consumers and distorting the competitive healthcare market in Margao, South Goa. It is further alleged that OP is in violation of Section 3 of the Act by deliberately



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misrepresenting the qualification of its surgeon and by engaging in false advertising, OP has skewed the market in its favour by gaining an unfair competitive advantage over other compliant healthcare providers.

15. The Commission has perused in detail the Information filed by the Informant and the annexures thereto. The Commission observes that alleged deliberate misleading of consumers through misrepresentation of the qualifications of its surgeon and engagement in false advertising by the OP do not raise any competition issue under the provisions of the Act.
16. In view of the foregoing and in the facts and circumstances of the present matter, the Commission is of the view that there is no *prima-facie* case of contravention of provisions of the Act warranting an investigation into the matter.
17. Accordingly, the Information is directed to be closed forthwith in terms of Section 26(2) of the Act. Consequently, no case arises for grant of relief(s) as sought under Section 33 of the Act.
18. The Secretary is directed to communicate the decision of the Commission to the Informant, accordingly.

**Sd/-**  
**(Ravneet Kaur)**  
**Chairperson**

**Sd/-**  
**(Sweta Kakkad)**  
**Member**

**Sd/-**  
**(Deepak Anurag)**  
**Member**

**New Delhi**

**Date: 03.03.2025**